

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,
Plaintiff

v.

SEARS, ROEBUCK & CO., WILLIAM
SULLIVAN, RICHARD SPELLMAN,
BARBARA TAGLIARINO, KEVIN SULLIVAN,
ALICIA COVIELLO, GARY MANSFIELD
Defendants

Civil Action No. 0412164MLW

**MOTION OF DEFENDANTS SEARS, ROEBUCK AND CO., WILLIAM
SULLIVAN, RICHARD SPELLMAN, BARBARA TAGLIARINO AND KEVIN
SULLIVAN TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the defendants Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino and Kevin Sullivan (collectively, the "Sears Defendants")¹, hereby move for an order dismissing all claims against the Sears Defendants in this matter. A true and accurate copy of the plaintiff's Complaint is attached hereto as Exhibit 1. The grounds for this Motion are set forth in detail in the Memorandum filed herewith.

WHEREFORE, the Sears Defendants request this Court to grant their motion and to dismiss the plaintiff's complaint against them in its entirety.

¹ Defendant Alicia Coviello is no longer employed by Sears. She is separately represented and is not a party to the present motion.

SEARS, ROEBUCK AND CO., WILLIAM
SULLIVAN, RICHARD SPELLMAN,
BARBARA TAGLIARINO and KEVIN
SULLIVAN
By their Attorneys,

/s/ Liza J. Tran
Christine M. Netski, (BBO No. 546936)
Liza J. Tran (BBO No. 646818)
Sugarman, Rogers, Barshak & Cohen, P.C.
101 Merrimac Street, 9th Floor
Boston, MA 02114
(617) 227-3030

DATED: December 13, 2004

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